

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )              Case No. 4:09CR00079 HEA-AGF  
                                )  
FURGAN ABDUL-KABIN,     )  
                                )  
Defendant.                 )

**ORDER**

This matter is before the Court on the motion of Defendant Furgan Abdul-Kabin to appear for his arraignment by telephone. [Doc. #25]. Pursuant to Rule 10, Fed. R. Cr. P., a defendant may appear in person for his arraignment or may appear by videoconference. A defendant may also waive his right to appear in person if a written waiver, signed by both the defendant and defense counsel, that meets the requirements of Rule 10(b), is provided. There is no provision in the Federal Rules of Criminal Procedure, however, for a defendant to appear for his arraignment by telephone absent such a written waiver.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion for Leave to Participate In Arraignment Hearing By Telephone [Doc. # 25] is hereby **DENIED**.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE

Dated this 30th day of January, 2009.